

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 LEROY DORSEY, :
 Plaintiff, :
 :
 -v- :
 :
 N.Y.S. OFFICE OF MENTAL HEALTH; JOHN :
 DOE, EMPLOYEE, STAFF CHIEF, SING SING :
 CORR.; JANE DOE, EMPLOYEE, :
 RECEPTIONIST, SECRETARY, SING SING :
 CORR., :
 Defendants. :
 :
 -----X

USDC SDNY
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DENISE COTE, District Judge:

In a letter of March 18, 2008, the Office of the Attorney General of the State of New York reported on its efforts to identify the individual defendants that the plaintiff wishes to sue. These efforts included tracking down files in the possession of the Kings County District Attorney which were provided by the Sing Sing psychiatric department to assist the plaintiff in arguing that the time to file his habeas petition in the Eastern District of New York should be equitably tolled due to his psychiatric problems. The tolling argument was rejected in an Opinion of March 23, 2007 by The Honorable Frederic Block. Accordingly, it is hereby

ORDERED that the Attorney General is authorized to obtain and review the records in the possession of the Kings County District Attorney in order to identify those individuals at Sing

Sing who released the plaintiff's psychiatric records, and to assist the plaintiff in naming and serving the John Doe defendants in this action.

IT IS FURTHER ORDERED that the plaintiff is advised that, to the extent the release of the psychiatric records was pursuant to Judge Block's January 30, 2007 Order requiring the respondent in plaintiff's habeas petition to obtain the records of plaintiff's psychiatric treatment in connection with plaintiff's argument for equitable tolling, this action will be subject to dismissal at the appropriate time.

SO ORDERED:

Dated: New York, New York
March 19, 2008


DENISE COTE

United States District Judge

Copy sent to:

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